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geron

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Facsimile Transmittal Sheet

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Date: October 5, 2001

To: Assistant Commissioner for Patents
Washington, D.C. 20231
Fax: 703-308-4315

Attention: Q. Janice Li, Group 1632

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GROUP 1632

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**Response to
Restriction Requirement**

PATENT

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J. Michael Schiff

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of: J. Clark & C. Denning

Serial No.: 09/593,316

Filing Date: June 13, 2000

For: ANIMAL TISSUE FOR
XENOTRANSPLANTATION

Art Unit: 1632

Examiner: Q. Janice Li, Ph.D.

FAX RECEIVED
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GROUP 1100

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This paper is responsive to the Restriction Requirement mailed on September 25, 2001 (Paper No. 5), for which a shortened statutory period for reply is set to expire on October 25, 2001. Accordingly, this paper is timely filed.

Please enter the following remarks.

PATENT
09/593,316
Docket: 730/002

Election of Group for Examination

Claims 1-32 are pending in this application, and subject to a Restriction Requirement under 35 USC § 121 between claims in six groups.

Group I (claims 1-5) is hereby elected for examination on the merits.

Traverse of Restriction Requirement

Applicants respectfully traverse the restriction in the following respects. The Office has not demonstrated that the following groups cannot be examined together without serious burden, as required by MPEP § 803.

- Between Group I (Ovine Tissue) and Group II (Ovine Animal). If an ovine animal having an inactivated $\alpha 1,3$ GT gene is clear of prior art, then ovine cells having an inactivated $\alpha 1,3$ GT gene will also be clear of prior art.
- Between Group I (Ovine Tissue) and Group IV (Method of Xenotransplantation). If ovine tissue devoid of Gal $\alpha(1,3)$ Gal determinants is clear of prior art, then use of such tissue in xenotransplantation will also be clear of prior art.
- Between Group III (Polynucleotide) and Group VII (Hybridization Assay). If an isolated polynucleotide containing part of the claimed sequences is clear of prior art, then the use of such a polynucleotide in hybridization assays will also be clear of prior art.
- Between Group V (Polypeptide) and Group VIII (Method of preparing a Gal $\alpha(1,3)$ Gal determinant). If an isolated polypeptide containing part of the claimed sequences is clear of prior art, then the use of such a peptide in preparing Gal $\alpha(1,3)$ Gal will also be clear of prior art.

Withdrawal of restriction between these groups is respectfully requested.

Restriction between the other claim groups is not disputed.

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Request for Rejoinder

In the event that the restriction requirement between Groups I, II, and IV is made final, request is hereby made that Groups II and IV be rejoined into the group under examination upon determination that subject matter within Group I is patentable, pursuant to MPEP § 821.04.

Conclusion

Applicants respectfully request that the application proceed to examination on the merits, in view of the remarks made herein.

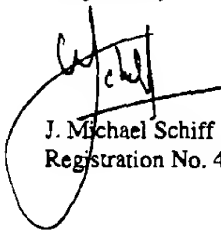
This application was filed over 14 months ago, and an Action on the merits of the application has not yet been mailed by the Office. Applicant respectfully requests that all further steps in the processing of this application be conducted in an expeditious fashion.

In the event the Examiner determines that an interview would facilitate prosecution of this application, he is invited to contact applicant's representative at the telephone number indicated below.

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Should the Parent Office determine that an extension of time or any other relief is required for further consideration of this application, applicant hereby petitions for such relief, and authorizes the Assistant Commissioner to charge the cost of such petitions and other fees due in connection with the filing of these papers to Deposit Account No. 07-1139, referencing the docket number indicated above.

Respectfully submitted,



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October 5, 2001